

**RULES  
OF  
TENNESSEE BOARD OF VETERINARY MEDICAL EXAMINERS**

**CHAPTER 1730-3  
GENERAL RULES GOVERNING VETERINARY MEDICAL TECHNICIANS**

**TABLE OF CONTENTS**

1730-3-.01	Definitions	1730-3-.12	Continuing Education
1730-3-.02	Scope of Practice	1730-3-.13	Unprofessional Conduct
1730-3-.03	Necessity of Licensure	1730-3-.14	Reserved
1730-3-.04	Qualifications for Licensure	1730-3-.15	Disciplinary Actions, Civil Penalties, Assessment of Costs, and Screening Panels
1730-3-.05	Procedures for Licensure	1730-3-.16	License
1730-3-.06	Fees	1730-3-.17	Change of Name and/or Address
1730-3-.07	Application Review, Approval, Denial, Interviews	1730-3-.18	Reserved
1730-3-.08	Examinations	1730-3-.19	Board Consultants, Records and Complaints, and Declaratory Orders
1730-3-.09	Renewal of License		
1730-3-.10	Supervision		
1730-3-.11	Retirement and Reactivation of License		

**1730-3-.01 DEFINITIONS.** As used in these rules, the terms and acronyms shall have the following meanings ascribed to them.

- (1) Advertisement - Information communicated to the public, in any manner designed to attract public attention to the practice of veterinarians or facilities licensed in Tennessee.
- (2) Advertising - Includes, but is not limited to business solicitations, with or without limiting qualifications, in a card, sign, or device issued to a person; in a sign or marking in or on any building; or in any newspaper, magazine, directory, or other printed matter. Advertising also includes business solicitations communicated by individual{s}, radio, video, or television broadcasting or any other means designed to secure public attention.
- (3) Applicant - Any individual seeking licensure by the Board who has submitted an official application and paid the application fee.
- (4) Bait and Switch Advertising - An alluring but insincere offer to sell a product or service which the advertiser in truth does not intend or want to sell. Its purpose is to switch consumers from buying the advertised service or merchandise, in order to sell something else, usually for a higher fee or on a basis more advantageous to the advertiser.
- (5) Board - The Tennessee Board of Veterinary Medical Examiners.
- (6) Board Administrative Office - The office of the administrator assigned to the Tennessee Board of Veterinary Medical Examiners located at 227 French Landing, Suite 300, Heritage Place, MetroCenter, Nashville, TN 37243.
- (7) Closed File - An administrative action which renders an incomplete or denied file inactive.
- (8) Conspicuous Place - A place easily viewable by the public.
- (9) Department - Tennessee Department of Health.
- (10) "Discounted Fee" - A fee offered or charged by a person or organization for any veterinary product or service that is less than the fee usually offered or charged for the product or service. Products or services expressly offered free of charge shall not be deemed to be offered at a "discounted fee".

(Rule 1730-3-.01, continued)

- (11) Division - The Tennessee Department of Health, Division of Health Related Boards, from which the Board receives administrative support.
- (12) He/she, Him/her - When “he/him” appears in the text of these rules, the word represents both the feminine and masculine genders.
- (13) HRB - When the acronym “HRB” appears in the text of these rules, it represents Health Related Boards.
- (14) License - Document issued to an applicant who successfully completes the licensure process. The license takes the form of an “artistically designed” document as well as other versions bearing an expiration date.
- (15) Licensee - Any person who has been lawfully issued a license to practice veterinary medicine or as a veterinary medical technician in the State of Tennessee or any licensed facility where veterinary medicine is practiced.
- (16) Premises - Any veterinary facility where a licensed veterinarian practices or where the practice of veterinary medicine occurs.
- (17) Premises Owner - Any person, corporation or other similar organization, public or private, for-profit or not-for-profit, where a licensed veterinarian practices or where the practice of veterinary medicine occurs.
- (18) Premises Permit - A permit issued by the board to operate a veterinary medicine facility when premises meet minimum standards established by the Board.
- (19) Retail Establishment - Any retail store in excess of two thousand five hundred (2,500) square feet that primarily sells goods not related to the practice of veterinary medicine, or any veterinary facility located in an enclosed shopping mall or enclosed shopping center.
- (20) Supervising Veterinarian - A person who is validly and currently licensed to practice veterinary medicine in the state who shall be accountable to the board for the facility’s compliance with the laws and rules governing the practice of veterinary medicine in this state, and/or has direct responsibility for the direct supervision of a temporary license.
- (21) “Surgery” means:
  - (a) Aseptic Surgery - surgery performed in ways or by means sufficiently free from micro-organisms so that significant infection or suppuration does not occur.
  - (b) Major Surgery - any surgical intervention that penetrates and exposes the body cavity and/or any procedure associated with extensive transection or dissection of tissue.
- (22) Use of a title or description - To hold himself out to the public as having a particular status by means of stating on signs, mailboxes, address plates, stationery, announcements, business cards, or other means of professional identification.
- (23) “Veterinary Facility” means:
  - (a) Animal Medical Center - Any veterinary or animal medical center means a facility in which consultative, clinical and hospital services are rendered and in which a large staff of basic and applied veterinary scientists perform significant research and conduct advanced professional educational programs;

(Rule 1730-3-.01, continued)

- (b) Clinics - A facility in which the practice conducted is essentially an out-patient type of practice;
  - (c) Hospital - A veterinary or animal hospital means a facility in which the practice conducted includes the confinement, as well as the treatment, of patients;
  - (d) Mobile Facility - A practice conducted from a vehicle with special medical or surgical facilities or from a vehicle suitable only for making house or farm calls. Regardless of mode of transportation, such practice shall have a permanent base of operations with a published address and telephone facilities for making appointments or responding to emergency situations;
  - (e) Office - A veterinary facility where a limited or consultative practice is conducted and which provides no facilities for the housing of patients; and any establishment either unincorporated or a corporation or other similar organization, public or private, for-profit or not-for-profit, where a licensed veterinarian practices or where the practice of veterinary medicine occurs.
- (24) "Veterinary Practice" means:
- (a) Large Animal Practice - a practice in which ninety percent (90%) or more of the animals seen/treated are equine, farm animal, or any other animals deemed as "large animal" by the Board of Veterinary Medical Examiners.
  - (b) Small Animal Practice - a practice in which ninety percent (90%) or more of the animals seen/treated are companion animals or any other animals deemed as "small animal" by the Board of Veterinary Medical Examiners.
  - (c) Mixed Animal Practice - a practice in which both large and small animals are seen/treated and the percentage of animals seen/treated exceeds ten percent (10%) for both types of animals.

**Authority:** T.C.A. §§4-5-202, 4-5-204, 63-1-101, 63-12-103, 63-12-104, 63-12-105, 63-12-106, 63-12-110, 63-12-112, 63-12-113, 63-12-121, and 63-12-139. **Administrative History:** Original rule filed October 13, 1983; effective November 14, 1983. Amendment filed December 5, 1990; effective January 19, 1991. Amendment filed October 20, 1992; effective December 4, 1992. Repeal and new rule filed April 28, 1995; effective July 12, 1995. Amendment filed June 15, 1999; effective August 29, 1999. Amendment filed June 25, 2003; effective September 8, 2003.

#### **1730-3-.02 SCOPE OF PRACTICE.**

- (1) Policy Statement - Veterinary Medical Technicians may practice only under the employment and direct supervision of a licensed veterinarian. The scope of practice for veterinary medical technicians is limited to procedures which are assigned or delegated to the veterinary medical technician by the supervising veterinarian and do not involve diagnosing, prescribing, or performing surgical procedures.
- (2) Veterinary medical technicians who perform procedures not delegable pursuant to this Rule or procedures specifically prohibited or who perform procedures without the direct supervision of a veterinarian when required may be subject to disciplinary action pursuant to T.C.A. §63-12-124.

**Authority:** T.C.A. §§4-5-202, 4-5-204, 63-12-103, 63-12-106, 63-12-124, and 63-12-135. **Administrative History:** Original rule filed October 13, 1983; effective November 14, 1983. Repeal and new rule filed June 30, 1987; effective August 14, 1987. Amendment filed December 5, 1990; effective January 19, 1991. Repeal and new rule filed April 28, 1995; effective July 12, 1995.

**1730-3-.03 NECESSITY OF LICENSURE.** To practice as a veterinary medical technician in Tennessee, a person must possess a lawfully issued license from the Board.

**Authority:** T.C.A. §§4-5-202, 4-5-204, 63-12-106, and 63-12-135. **Administrative History:** Original rule filed October 13, 1983; effective November 14, 1983. Amendment filed August 21, 1984; effective September 20, 1984. Amendment filed December 5, 1990; effective January 19, 1991. Repeal and new rule filed April 28, 1995; effective July 12, 1995.

**1730-3-.04 QUALIFICATIONS FOR LICENSURE.** To be eligible for licensure as a veterinary medical technician, an applicant must meet all of the following qualifications.

- (1) Veterinary Medical Technician by Examination
  - (a) Be a graduate of the Veterinary Technology program from a school whereby the veterinary technology curriculum was approved by the American Veterinary Medical Association.
  - (b) Pass the examination as provided in paragraph (1) of Rule 1730-3-.08.
- (2) Veterinary Medical Technician by Reciprocity
  - (a) Be a graduate of the Veterinary Technology program from a school whereby the veterinary technology curriculum was approved by the American Veterinary Medical Association;
  - (b) Hold a valid, unrestricted license in another state, territory, or Canadian province for five (5) years;
  - (c) Has engaged in active practice as a veterinary medical technician for the previous five (5) years before application. "Active veterinary practice", for the purpose of this section is defined as practice in the area of veterinary medicine as defined in T.C.A. §63-12-103(2) for an average of thirty (30) hours per week;
  - (c) Provides documentation of continuing education at least equal to that required by current Tennessee law and pursuant to Rule 1730-3-.12 for the previous five years;
  - (e) Has had no disciplinary action against his/her veterinary technician license in any other state, territory or Canadian province;
  - (f) Has not been convicted of a crime other than minor traffic violation.

**Authority:** T.C.A. §§ 4-5-202, 4-5-204, 63-12-106, 63-12-107, 63-12-112 63-12-114, 63-12-115, 63-12-116, 63-12-117, and 63-12-135. **Administrative History:** Original rule filed October 13, 1983; effective November 14, 1983. Repeal filed December 5, 1990; effective January 19, 1991. Repeal and new rule filed April 28, 1995; effective July 12, 1995. Amendment filed September 29, 2000; effective December 13, 2000.

**1730-3-.05 PROCEDURES FOR LICENSURE.**

- (1) Veterinary Medical Technician by Examination
  - (a) An applicant shall obtain an application from the Board's administrative office, and respond truthfully and completely to every question or request for information.
  - (b) Applications for licensure must be submitted to the Board's administrative office at least 45 days prior to the examination date.

(Rule 1730-3-.05, continued)

- (c) An applicant shall pay, at the time of application, the non-refundable application fee, examination fees and State Regulatory fee as provided in Rule 1730-3-.06.
- (d) An applicant shall submit with his application two recent photographs, one signed and notarized.
- (e) An applicant shall cause to be submitted directly to the Board's administrative office satisfactory evidence of graduation of a Veterinary Technology program from a school whereby the veterinary technology curriculum was approved by the American Veterinary Medical Association.
  - 1. Certified transcripts or other records from the school or college which clearly and accurately reflects that the applicant has graduated from an approved Veterinary Technology program; or
  - 2. Original affidavit(s) of authorized officials of the school or college certifying, under oath, that the applicant has graduated from an approved Veterinary Technology program; or
  - 3. Any other objective, independently verifiable evidence that the applicant has graduated from an approved school or college offering a course of study in Veterinary Technology whereby the curriculum was approved by the American Veterinary Medical Association.
- (f) An applicant shall pass the examination as provided in paragraph (1) of Rule 1730-3-.08.
- (g) An applicant shall disclose the circumstances surrounding any of the following:
  - 1. Conviction of any criminal law violation of any country, state, or municipality, except minor traffic violations.
  - 2. The denial of licensure application by any other state or the discipline of the licensee in any state.
  - 3. Loss or restriction of certification or licensure privileges.
  - 4. Any civil suit judgment or civil suit settlement in which the applicant was a party defendant including, without limitation, actions involving malpractice, breach of contract, antitrust activity or any other civil action remedy recognized under the country's or state's statutory, common, or case law.
- (h) An applicant shall cause to be submitted to the Board's administrative office directly from the vendor identified in the Board's licensure application materials, the result of a criminal background check.
- (i) An applicant shall submit proof of United States or Canada citizenship or evidence of being legally entitled to live in the United States. Such evidence may include notarized copies of birth certificate, naturalization papers, or current visa status.
- (j) Where necessary, all required documents shall be translated into English. Such translation and original document must be certified as to authenticity by the issuing source shall be submitted.
- (k) Application review and licensure decisions shall be governed by Rule 1730-3-.07.

(Rule 1730-3-.05, continued)

- (l) If an applicant has ever held a license to practice as a veterinary medical technician in any other state or Canada, the applicant shall cause to be submitted the equivalent of a Tennessee Certificate of Endorsement from each such licensing board. The document submitted should indicate the license number, the date of issuance, the license status, expiration date, and information concerning any disciplinary action.
- (m) An applicant shall submit an original letter of recommendation from a veterinarian licensed and practicing veterinary medicine in Tennessee.
- (2) Veterinary Medical Technician by Reciprocity. The Board may grant full licensure status by reciprocity to veterinary medical technicians licensed in another state. The process for obtaining reciprocity license is as follows.
  - (a) An applicant shall obtain an application form from the Board's administrative office, and respond truthfully and completely to every question or request for information.
  - (b) Applications for licensure will be accepted throughout the year and files which are completed on or before the 45th day prior to the board meeting will ordinarily be processed at the next board meeting scheduled for the purpose of reviewing files.
  - (c) An applicant shall pay, at the time of application, the non-refundable application fee, reciprocity license fee and State Regulatory fee as provided in Rule 1730-3-.06.
  - (d) An applicant shall submit with his application, two, recent, photographs, one signed and notarized.
  - (e) An applicant shall cause to be submitted directly to the Board's administrative office satisfactory evidence of graduation of a Veterinary Technology program from a school whereby the veterinary technology curriculum was approved by the American Veterinary Medical Association. Satisfactory evidence includes documents lists in Rule 1730-3-.05(l)(c).
  - (f) An applicant shall disclose the circumstances surrounding any of the following:
    - 1. Conviction of any criminal law violation of any country, state, or municipality, except minor traffic violations.
    - 2. The denial of licensure application by any other state or the discipline of the licensee in any state.
    - 3. Loss or restriction of certification or licensure privileges or state or federal accreditation.
    - 4. Any civil suit judgment or civil suit settlement in which the applicant was a party defendant including, without limitation- actions involving malpractice, breach of contract, antitrust activity or any other civil action remedy recognized under the country's or state's statutory, common, or case law.
  - (g) An applicant shall cause to be submitted to the Board's administrative office directly from the vendor identified in the Board's licensure application materials, the result of a criminal background check.
  - (h) An applicant shall submit proof of United States or Canada citizenship or evidence of being legally entitled to live in the United States. Such evidence may include notarized copies of birth certificates, naturalization papers, or current visa status.

(Rule 1730-3-.05, continued)

- (i) Where necessary, all required documents shall be translated into English and such translation and original document certified as to authenticity by the issuing source shall be submitted.
- (j) Application review and licensure decisions shall be governed by Rule 1730-3-.07.
- (k) If an applicant has ever held a license to practice as a veterinary medical technician in any other state or Canada, the applicant shall cause to be submitted the equivalent of a Tennessee Certificate of Endorsement from each such licensing board. The document submitted should indicate the license number, the date of issuance, the license status, expiration date, and information concerning any disciplinary action. An applicant must possess an active license which is in good standing in at least one (1) other state or Canadian province.
- (l) An applicant shall furnish an affidavit or other proof that he has engaged actively in the practice of veterinary medical technology for the previous five (5) years before application is made for an average of at least thirty (30) hours per week.
- (m) Any person holding a reciprocity license is subject to all disciplinary provisions of the Tennessee Veterinary Medical Practice Act.
- (n) An applicant shall submit a letter of recommendation from a veterinarian licensed and practicing veterinary medicine in Tennessee.

**Authority:** T.C.A. §§ 4-5-202, 4-5-204, 63-12-106, 63-12-107, 63-12-112, 63-12-114, 63-12-115, 63-12-116, 63-12-117, 63-12-124, and 63-12-135. **Administrative History:** Original rule filed October 13, 1983; effective November 14, 1983. Amendment filed September 6, 1988; effective October 21, 1988. Amendment filed January 17, 1989; effective March 3, 1989. Amendment filed March 1, 1990; effective April 15, 1990. Amendment filed December 20, 1990; effective February 3, 1991. Repeal and new rule filed April 28, 1995; effective July 12, 1995. Amendment filed September 29, 2000; effective December 13, 2000. Amendment filed March 14, 2006; effective May 28, 2006.

#### **1730-3-.06 FEES.**

- (1) The fees are as follows:
  - (a) Application Fee - A non-refundable fee to be paid by all applicants including those seeking licensure by reciprocity. It must be paid each time an application for licensure is filed.
  - (b) Endorsement/Verification fee - Endorsement of licensure to state licensing boards and government agencies will be provided at no charge on behalf of the licensee. A non-refundable fee is to be paid for each verification of licensure to anyone other than a state licensing board or government agency.
  - (c) Examination – A non-refundable fee to be paid to the Board to take the Veterinary Technician National Examination.
  - (d) Late Renewal fee - A non-refundable fee to be paid when an individual fails to timely renew a license.
  - (e) License Renewal fee - A non-refundable fee to be paid by all licensees. This fee also applies to individuals who reactivate a retired or lapsed license.
  - (f) Reciprocity License fee - A non-refundable fee to be paid at the time of application for licensure.

(Rule 1730-3-.06, continued)

- (g) Replacement License or Renewal Certificate Fee - A non-refundable fee to be paid when an individual requests a replacement for a lost or destroyed “artistically designed” license or renewal certificate.
- (h) State Regulatory Fee - To be paid by all individuals at the time of application and with all renewal applications.
- (2) All fees shall be established by the Board. Fees may be reviewed and changed at the discretion of the Board.
- (3) Fee Schedule:
 

	Amount
(a) Application	\$ 75.00
(b) Endorsement/Verification	20.00
(c) Examination	100.00
(d) Late Renewal	80.00
(e) Renewal (biennial)	90.00
(f) Reciprocity License Fee	80.00
(g) Replacement License or Renewal Certificate Fee	25.00
(h) State Regulatory Fee (biennial)	10.00
- (4) All fees may be paid in person, by mail or electronically by cash, check, money order, or by credit and/or debit cards accepted by the Division of Health Related Boards. If the fees are paid by certified, personal or corporate check they must be drawn against an account in a United States Bank, and made payable to the Tennessee Board of Veterinary Medical Examiners.

**Authority:** T.C.A. §§4-5-202, 4-5-204, 4-5-1011, 63-1-106, 63-12-106, 63-12-107, 63-12-112, 63-12-114, 63-12-115, 63-12-116, 63-12-117, 63-12-121, 63-12-123, and 63-12-135. **Administrative History:** Original rule filed October 13, 1983; effective November 14, 1983. Amendment filed May 30, 1989; effective July 14, 1989. Amendment filed December 5, 1990; effective January 19, 1991. Repeal and new rule filed April 28, 1995; effective July 12, 1995. Amendment filed September 29, 2000; effective December 13, 2000. Amendment filed August 18, 2003; effective November 1, 2003. Amendment filed March 14, 2006; effective May 28, 2006.

#### **1730-3-.07 APPLICATION REVIEW, APPROVAL, DENIAL, INTERVIEWS.**

- (1) Applications for licensure will be accepted throughout the year.
- (2) Initial review of all applications to determine whether or not the application file is complete may be delegated to the Board’s administrator, provided that final approval of all applications is made and ratified by the Board.
- (3) If an application is incomplete when reviewed by the Board, a deficiency letter will be sent to the applicant notifying him of the deficiency.
  - (a) Such notification shall be sent certified mail return receipt requested from the Board’s administrative office.



(Rule 1730-3-.07, continued)

- (b) For an applicant who has completed the requirements for licensure, all documentation must be received in the Board's administrative office within 60 days after receipt of the deficiency notification. If the requested information is not received within 60 days, the file will be closed and the applicant notified.
  - (c) For an applicant who has not passed each of the required examinations (VTNE and State Board Examination), the file will remain open until the applicant has had the opportunity to take each exam three (3) times. At that time, the file will be closed and the applicant notified.
  - (d) After an applicant file is closed, no further Board action will take place until a new application is received pursuant to the rules governing the applicable process, including another payment of all fees.
- (4) Forty-five days prior to admission to an examination the application with the required supporting documents and all fees must be received in the Board's administrative office.
- (5) The Board may at its discretion delay a decision on eligibility to take the examination for any applicant for whom the Board wishes additional information.
- (6) If a completed application has been denied and ratified as such by the Board, the action shall become final and the following shall occur:
  - (a) A notification of the denial shall be sent by the Board's administrative office by certified mail return receipt requested. Specific reasons for denial will be stated, such as incomplete information, unofficial records, examination failure, or other matters judged insufficient for licensure, and such notification shall contain all the specific statutory or rule authorities for the denial.
  - (b) The notification, when appropriate, shall also contain a statement of the applicant's right to request a contested case hearing under the Tennessee Administrative Procedures Act (T.C.A. §§4-5-101, et seq.) to contest the denial and the procedure necessary to accomplish that action.
  - (c) An applicant has a right to a contested case hearing only if the licensure denial was based on subjective or discretionary criteria.
  - (d) An applicant may be granted a contested case hearing if licensure denial is based on objective, clearly defined criteria. If after review and attempted resolution by the Board's administrative staff, the licensure application can not be approved and the reasons for continued denial present a genuine issue of fact and/or law which is appropriate for appeal, an appeal hearing may be requested. Such request must be made in writing to the Board within 30 days of the receipt of the notice of denial from the Board.
- (7) Any person furnishing false information or omitting pertinent information in such application shall be denied the right to sit for the examination or if the applicant has already been licensed before the falseness of such information has been made known to the Board, such license shall be subject to suspension or revocation by the Board.
- (8) If the Board finds it has erred in the issuance of a license, the Board will give written notice by certified mail of its intent to annul the license. The notice will allow the applicant the opportunity to meet the requirements of licensure within 30 days from date of receipt of the notification.
- (9) Whenever requirements for licensure are not completed within 18 months from the date of the initial review of application and credentials, written notification will be mailed to the applicant and the

(Rule 1730-3-.07, continued)

application file will be closed. An applicant whose file has been closed shall subsequently be considered for licensure only upon the filing of a new application and payment of all appropriate fees.

(10) Abandonment of Application

- (a) An application shall be deemed abandoned and closed if
  - 1. The application has not been completed by the applicant within 18 months after it was initially reviewed by the Board, or
  - 2. An applicant fails to sit for a scheduled examination after being notified of eligibility.
- (b) A determination of abandonment must be ratified by the Board.
- (c) An application submitted subsequent to the abandonment of a prior application shall be treated as a new application.

(11) Applicants, who by virtue of any criteria for licensure in the areas of mental, physical, moral or educational capabilities, as contained in the application and review process which indicates derogatory information or a potential risk to the public health, safety and welfare, may be required to present themselves to the Board, a Board member, or the Board Designee for an interview before final licensure may be granted. The interviews, which may be required, are considered part of the licensure process.

**Authority:** T.C.A. §§ 4-5-202, 4-5-204, 63-1-142, 63-12-106, 63-12-107, 63-12-112, 63-12-114, 63-12-115, 63-12-116, 63-12-117, and 63-12-135. **Administrative History:** Original rule filed August 21, 1984; effective September 20, 1984. Amendment filed December 5, 1990; effective January 19, 1991. Repeal and new rule filed April 28, 1995; effective July 12, 1995. Amendment filed September 29, 2000; effective December 13, 2000.

**1730-3-08 EXAMINATIONS.**

- (1) An individual seeking licensure shall be required to pass the examination as stated in paragraph (2).
- (2) Veterinary Technician National Board Examination
  - (a) This examination is developed by Professional Examination Service under the direction of the Veterinary Technician Testing Committee.
  - (b) Passing will be the criterion-referenced passing grade established by the testing agency.
  - (c) The Board adopts the Veterinary Technician National Board Examination as its state and national examinations, pursuant to T.C.A. § 63-12-115.
- (3) The application for and the fees required to sit for the Veterinary Technician National Board Examination must be submitted to the Board's administrative office at least forty-five (45) days prior to the examination date.
- (4) Official national examination scores must be submitted to the Board's administrative office directly from the testing service whenever the examination was taken outside the board's jurisdiction.
- (5) Individuals who do not successfully complete the examination may reapply by submitting an application and payment of fees pursuant to Rule 1730-3-.06.

(Rule 1730-3-.08, continued)

- (6) Individuals who do not sit for a scheduled examination must submit to the Board's administrative office a letter of explanation and request postponement and rescheduling within five working days after the examination date. Examination fees are not refundable or transferable unless the applicant can show undue hardship, such as death of an immediate family member or severe illness.

**Authority:** T.C.A. §§ 4-5-202, 4-5-204, 63-12-106, 63-12-112, 63-12-114, 63-12-115, 63-12-116, 63-12-117, and 63-12-135. **Administrative History:** Original rule filed September 13, 1987; effective November 14, 1987. Repeal and new rule filed April 28, 1995; effective July 12, 1995. Amendment filed September 29, 2000; effective December 13, 2000.

#### **1730-3-.09 RENEWAL OF LICENSE.**

##### **(1) Renewal Application**

- (a) The due date for license renewal is the last day of the month of the license period pursuant to the Division's biennial renewal system.
- (b) Methods of Renewal
  - 1. Internet Renewals - Individuals may apply for renewal and pay the necessary fees via the Internet. The application to renew can be accessed at:  
  
[www.tennesseeanytime.org](http://www.tennesseeanytime.org)
  - 2. Paper Renewals - For individuals who have not renewed their license online via the Internet, a renewal application form will be mailed to each individual licensed by the Board to the last address provided to the Board. Failure to receive such notification does not relieve the licensee from the responsibility of meeting all requirements for renewal.
- (c) To be eligible for renewal, an individual must have completed continuing education requirements provided in Rule 1730-3-.12 and submit to the Division of Health Related Boards on or before the expiration date all of the following:
  - 1. A completed Board renewal application form; and
  - 2. The renewal and state regulatory fees as provided in Rule 1730-3-.06.
- (d) Anyone submitting a renewal form or letter which is found to be untrue may be subjecting himself to disciplinary action as provided in Rule 1730-3-.15.
- (e) Licensees who fail to comply with the renewal rules or notification received by them concerning failure to timely renew shall have their licenses processed in accordance with rule 1200-10-1-.10.

##### **(2) Reinstatement of an Expired License**

- (a) Reinstatement of a license that has expired may be accomplished upon meeting the following conditions:
  - 1. Payment of all past due renewal and state regulatory fees;
  - 2. Payment of the late renewal fee provided in Rule 1730-3-.06; and
  - 3. Compliance with continuing education requirement pursuant to Rule 1730-3-.12.

(Rule 1730-3-.09, continued)

- (b) Reinstatement decisions pursuant to this rule may be made administratively or reviewed by the Board.

**Authority:** T.C.A. §§4-5-202, 4-5-204, 63-1-107, 63-12-105, 63-12-106, 63-12-119, 63-12-120, 63-12-121, 63-12-122, 63-12-124, 63-12-128, and 63-12-135. **Administrative History:** Original rule filed September 13, 1987; effective November 14, 1987. Repeal and new rule filed April 28, 1995; effective July 12, 1995. Amendment filed June 25, 2003; effective September 8, 2003.

#### **1730-3-.10 SUPERVISION.**

- (1) A Tennessee Licensed Veterinarian must supervise a veterinary medical technician. This supervision must be in the same veterinary hospital, clinic, or outpatient office.
- (2) No veterinary medical technician, veterinary student intern, or employee shall provide any professional services as covered by these rules without the direct supervision of a licensed veterinarian on premises, except that an employee of the veterinarian may be permitted to float teeth without the physical presence of a licensed veterinarian as long as the employee is functioning under the supervision, control, and responsibility of the licensed veterinarian.
  - (a) Floating will be defined as rasping or cutting the long projections or points from the cheek teeth of the equine.
  - (b) Prior to the performance of the employee's services, a veterinarian-client-patient relationship must exist.
  - (c) The employee must be a salaried or commissioned employee, and not a contract employee, to assure coverage by the veterinarian's liability insurance.
- (3) Willful or repeated violation of these rules makes the licensee subject to the disciplinary provisions of the T.C.A. §§63-2-124, 63-12-128, and 63-12-135.

**Authority:** T.C.A. §§4-5-202, 4-5-204, 63-12-106, 63-12-119, 63-12-124, 63-12-128, 63-12-133, and 63-12-135. **Administrative History:** Original rule filed September 13, 1987; effective November 14, 1987. Repeal and new rule filed April 28, 1995; effective July 12, 1995. Amendment filed November 12, 1999; effective January 26, 2000.

#### **1730-3-.11 RETIREMENT AND REACTIVATION OF LICENSE.**

- (1) Veterinary medical technicians who wish to retire their license must complete and return to the Board's administrative office an Affidavit of Retirement form indicating one of the following:
  - (a) Permanent retirement of the license to practice as a veterinary medical technician.
  - (b) Retirement of the Tennessee license to practice as a veterinary medical technician in another state.
  - (c) Retirement of the Tennessee license to practice as a veterinary medical technician in order to seek other types of employment.
- (2) When a licensee who has retired a Tennessee veterinary license to practice as a veterinary medical technician in another state wishes to reactivate the Tennessee license, said licensee must show evidence of the following:
  - (a) Evidence of good standing where the retiree holds a license.

(Rule 1730-3-.11, continued)

- (b) Evidence of continuous practice during the period of retirement of the Tennessee license.
- (c) Evidence of having completed continuing education courses equal to the number of hours required by the Board, during the period of time the Tennessee license was retired.
- (3) If reactivation was requested prior to the expiration of one (1) year from the date of retirement, the Board shall require payment of the late renewal fee, the past due renewal fee, and the state regulatory fee as provided in Rule 1730-3-.06.
- (4) Veterinary medical technicians who have not engaged in continuous practice during the retirement of a license must appear before the board for an oral examination and at that time show proof of Board approved continuing education equal to that required by Tennessee law for each year the license was retired.
- (5) Licensure reactivation application shall be treated as licensure applications and review and decisions required by this Rule shall be governed by Rule 1730-3-.07.

**Authority:** T.C.A. §§4-5-202, 4-5-204, 63-12-106, 63-12-120, 63-12-121, and 63-12-135. **Administrative History:** Original rule filed September 13, 1987; effective November 14, 1987. Repeal and new rule filed April 28, 1995; effective July 12, 1995. Amendment filed November 2, 2005; effective January 16, 2006.

#### **1730-3-.12 CONTINUING EDUCATION.**

- (1) Hours Required
  - (a) Each licensee, in order to renew his license, must obtain twelve (12) hours of continuing education each calendar year. When continuing education credit is obtained by attending lectures/meeting, no credit will be given for a program that is less than one (1) hour.
  - (b) The Board approves courses for only the number of hours contained in the course. The approved hours of any individual course will not be counted more than once in a calendar year toward the required hourly total regardless of the number of times the course is attended or completed by any individual licensee.
  - (c) The licensee must be physically present at these continuing education meetings.
- (2) Proof of Compliance
  - (a) The due date for attendance and completion of the required continuing education hours is December 31 of each year. The hours must have been obtained in the preceding calendar year.
  - (b) Each veterinary medical technician must, on a Board provided form, attest to attendance and completion of the required continuing education hours and that such hours were obtained during the calendar years of report.
  - (c) Each veterinary medical technician must retain independent documentation of attendance and completion of all continuing education courses. This documentation must be retained for a period of four years from the end of the calendar year in which the course is completed. This documentation must be produced for inspection and verification, if requested by the Board during its verification process.
- (3) Course Approval

(Rule 1730-3-.12, continued)

- (a) Timely completion of continuing education credits is solely the responsibility of the licensee. The licensee must be physically present at these continuing education meetings and will be required to attest, at the time of renewal, that the requirement has been met.
- (b) Courses to be offered for credit toward the required continuing education hours must, unless otherwise provided, receive prior approval from the Board.
- (c) Prior approval of a course may be obtained by submitting the following information to the Board Administrative Office at least thirty (30) days prior to the scheduled date of the course.
  - 1. A course description or outline.
  - 2. Names of all speakers.
  - 3. Number of hours of educational credit requested.
  - 4. Date of course.
  - 5. How verification of attendance is to be documents.
- (d) Continuing education courses may be presented in any of the following formats:
  - 1. Lecture.
  - 2. Multi-Media - With successful completion of a written post-experience examination to evaluate material retention, multi-media courses may be taken for continuing education credit.
    - (i) A maximum of four (4) hours of the twelve (12) hour requirement may be granted for multi-media courses during each calendar year.
    - (ii) Multi-Media courses may include courses utilizing:
      - (I) The Internet
      - (II) Closed circuit television
      - (III) Satellite broadcasts
      - (IV) Correspondence courses
      - (V) Videotapes
      - (VI) CD-ROM
      - (VII) DVD
      - (VIII) Teleconferencing
      - (IX) Videoconferencing
      - (X) Distance learning

(Rule 1730-3-.12, continued)

- (e) The following courses need not receive prior approval and shall constitute Board approved continuing education courses:
  - 1. Scientific programs dealing with the practice of veterinary medical technology provided by local, state, regional, or national associations listed in the AVMA directory will be accepted.
  - 2. Educational courses sponsored by an accredited school of veterinary medicine and veterinary technology. If such course is taken for or assigned quarter or semester credit hours, three (3) semester hours or equivalent quarter hours shall be equivalent to fifteen (15) continuing education hours. No credits will be counted for courses failed.
- (4) Waiver or Extension of Continuing Education
  - (a) The Board may grant a waiver or extension of the need to attend and complete the required hours of continuing education.
  - (b) Waivers or extensions will be considered only on an individual basis and may be requested by submitting a written request to the Board's administrative office.
  - (c) A waiver or extension approved by the Board is effective for only the calendar year for which the waiver is sought unless otherwise specified in writing by the Board.
- (5) Continuing Education for Reactivation of Retired License
  - (a) Any veterinary medical technician who applies for reactivation of a license which has been retired must attest to having completed Board approved continuing education credit equal to that required pursuant to Rule 1730-3-.12.
  - (b) The continuing education hours obtained as a prerequisite for licensure reactivation may not be counted toward the continuing education hours required to be obtained before the end of the calendar year of reactivation.
  - (c) The Board, upon receipt of a written request and explanation, may waive or condition any or all of the continuing education for reactivation of a retired license in emergency situations.
- (6) Violations
  - (a) Any veterinary medical technician who falsely attests to attendance and completion of the required hours of continuing education requirement may be subject to disciplinary action pursuant to T.C.A. §63-12-124(a)(1), (2), (4), (12) or (14).
  - (b) Any veterinary medical technician who fails to obtain the required continuing education hours may be subject to disciplinary action pursuant to T.C.A. §63-12-124(a)(1) and (12).
  - (c) Education hours obtained as a result of compliance with the terms of an informal settlement or Board Orders in any disciplinary action shall not be counted toward the continuing education hours required to be obtained in any calendar year.

**Authority:** T.C.A. §§4-5-202, 4-5-204, 63-12-106, 63-12-120, 63-12-121, 63-12-122, 63-12-124, and 63-12-135.  
**Administrative History:** Original rule filed September 13, 1987; effective November 14, 1987. Repeal and new rule filed April 28, 1995; effective July 12, 1995. Amendment filed September 12, 2001; effective November 26, 2001. Amendment filed June 25, 2003; effective September 8, 2003.

**1730-3-.13 UNPROFESSIONAL CONDUCT.** Acts prohibited to be performed by veterinary medical technicians shall include, but not be limited to, the following:

- (1) Advertising for services beyond the scope of practice of a veterinary medical technician.
- (2) Performing beyond the scope of practice of a veterinary medical technician or performing a non-delegable duty or service or accepting such directives.
- (3) Being under the influence of alcoholic beverages, or under the influence of drugs which impair judgment while on duty at any animal health care facility, institution, or other work place location.
- (4) Practicing as a veterinary medical technician in this state on an expired, retired, suspended, or revoked license.
- (5) Failing to cooperate with authorities investigating incompetent, unethical or illegal practice of a veterinarian or another veterinary medical technician.
- (6) Engaging in acts of dishonesty which relate to the practice of veterinary medicine or practice as a veterinary medical technician.
- (7) Engage in practice in a facility without a premises permit.
- (8) Any violation of T.C.A. §63-12-124.

**Authority:** T.C.A. §§4-5-202, 4-5-204, 63-12-103, 63-12-106, 63-12-119, 63-12-124, and 63-12-135.

**Administrative History:** Original rule filed September 13, 1987; effective November 14, 1987. Repeal and new rule filed April 28, 1995; effective July 12, 1995. Amendment filed June 15, 1999; effective August 29, 1999. Amendment filed May 26, 2004; effective August 9, 2004.

**1730-3-.14 RESERVED.**

**1730-3-.15 DISCIPLINARY ACTIONS, CIVIL PENALTIES, ASSESSMENT OF COSTS, AND SCREENING PANELS.**

- (1) Purpose - The purpose of this rule is to set out a schedule designating the minimum and maximum civil penalties which may be assessed.
- (2) Upon a finding by the Board that an veterinary medical technician has violated any provision of the Tennessee Veterinary Medical Practice Act {T.C.A. §§63-12-101, et seq.} or the rules promulgated thereto, the Board may impose any of the following actions separately or in any combination deemed appropriate to the offense:
  - (a) Advisory Censure - This is a written action issued to the veterinary medical technician for minor or near infractions. It is informal and advisory in nature and does not constitute a formal disciplinary action.
  - (b) Formal censure or reprimand - This is a written action issued to a veterinary medical technician for one time and less severe violations. It is a formal disciplinary action.
  - (c) Probation - This is a formal disciplinary action which places a veterinary medical technician on close scrutiny for a fixed period of time. This action may be combined with conditions which must be met before probation will be lifted and/or which restrict the individual's activities during the probationary period.



(Rule 1730-3-.15, continued)

- (d) Licensure Suspension - This is a formal disciplinary action which suspends an individual's right to practice for a fixed period of time. It contemplates the reentry of the individual into the practice under the licensure previously issued.
  - (e) Revocation for Cause. This is the most severe form of disciplinary action which removes an individual from the practice of the profession and terminates the certification or licensure previously issued. The Board, in its discretion, may allow reinstatement of a revoked certificate or license upon conditions and after a period of time it deems appropriate. No petition for reinstatement and no new application for certification or licensure from a person whose license was revoked shall be considered prior to the expiration of at least one year unless otherwise stated in the Board's revocation order.
  - (f) Conditions - These include any action deemed appropriate by the Board to be required of an individual disciplined during any period of probation or suspension or as a prerequisite to the lifting of probation or suspension or the reinstatement of a revoked license.
  - (g) Civil penalty - A monetary disciplinary action assessed by the Board pursuant to paragraph (5) of this rule.
  - (h) When the Board suspends a license, the person may not practice as a veterinary medical technician during the period of suspension and is also prohibited from doing the following:
    - 1. Direct assistance to another veterinary medical technician in the veterinary treatment of any animal.
    - 2. Appear before animal owners in a laboratory coat, clinic smock or other garment which is customarily worn by practitioners when treating animal.
    - 3. Personal acceptance of payment for veterinary services directly from an animal owner in the reception area of the office, clinic, or animal hospital.
  - (i) Once ordered, probation, suspension, revocation, assessment of a civil penalty, or any other condition of any type of disciplinary action may not be lifted unless and until the licensee petitions, pursuant to paragraph (3) of this rule, and appears before the Board after the period of initial probation, suspension, revocation, or other conditioning has run and all conditions placed on the probation, suspension, revocation, have been met, and after any civil penalties assessed have been paid.
- (3) Order of Compliance - This procedure is a necessary adjunct to previously issued disciplinary orders and is available only when a petitioner has completely complied with the provisions of a previously issued disciplinary order, including an unlicensed practice civil penalty order, and wishes or is required to obtain an order reflecting that compliance.
- (a) The Board will entertain petitions for an Order of Compliance as a supplement to a previously issued order upon strict compliance with the procedures set forth in subparagraph (b) in only the following three (3) circumstances:
    - 1. When the petitioner can prove compliance with all the terms of the previously issued order and is seeking to have an order issued reflecting that compliance; or
    - 2. When the petitioner can prove compliance with all the terms of the previously issued order and is seeking to have an order issued lifting a previously ordered suspension or probation; or

(Rule 1730-3-.15, continued)

3. When the petitioner can prove compliance with all the terms of the previously issued order and is seeking to have an order issued reinstating a license previously revoked.

(b) Procedures

1. The petitioner shall submit a Petition for Order of Compliance, as contained in subparagraph (c), to the Board's Administrative Office that shall contain all of the following:
  - (i) A copy of the previously issued order; and
  - (ii) A statement of which provision of subparagraph (a) the petitioner is relying upon as a basis for the requested order; and
  - (iii) A copy of all documents that prove compliance with all the terms or conditions of the previously issued order. If proof of compliance requires testimony of an individual(s), including that of the petitioner, the petitioner must submit signed statements from every individual the petitioner intends to rely upon attesting, under oath, to the compliance. The Board's consultant and administrative staff, in their discretion, may require such signed statements to be notarized. No documentation or testimony other than that submitted will be considered in making an initial determination on, or a final order in response to, the petition.
2. The Board authorizes its consultant and administrative staff to make an initial determination on the petition and take one of the following actions:
  - (i) Certify compliance and have the matter scheduled for presentation to the Board as an uncontested matter; or
  - (ii) Deny the petition, after consultation with legal staff, if compliance with all of the provisions of the previous order is not proven and notify the petitioner of what provisions remain to be fulfilled and/or what proof of compliance was either not sufficient or not submitted.
3. If the petition is presented to the Board the petitioner may not submit any additional documentation or testimony other than that contained in the petition as originally submitted.
4. If the Board finds that the petitioner has complied with all the terms of the previous order an Order of Compliance shall be issued.
5. If the petition is denied either initially by staff or after presentation to the Board and the petitioner believes compliance with the order has been sufficiently proven the petitioner may, as authorized by law, file a petition for a declaratory order pursuant to the provisions of T.C.A. § 4-5-223 and rule 1200-10-1-.11.

(Rule 1730-3-.15, continued)

## (c) Form Petition

Petition for Order of Compliance  
Board of Veterinary Medical Examiners

Petitioner's Name: \_\_\_\_\_  
 Petitioner's Mailing Address: \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_  
 Petitioner's E-Mail Address: \_\_\_\_\_  
 Telephone Number: \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_  
 Attorney for Petitioner: \_\_\_\_\_  
 Attorney's Mailing Address: \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_  
 Attorney's E-Mail Address: \_\_\_\_\_  
 Telephone Number: \_\_\_\_\_  
 \_\_\_\_\_

The petitioner respectfully represents, as substantiated by the attached documentation, that all provisions of the attached disciplinary order have been complied with and I am respectfully requesting: (circle one)

1. An order issued reflecting that compliance; or
2. An order issued reflecting that compliance and lifting a previously ordered suspension or probation; or
3. An order issued reflecting that compliance and reinstating a license previously revoked.

Note – You must enclose all documents necessary to prove your request including a copy of the original order. If any of the proof you are relying upon to show compliance is the testimony of any individual, including yourself, you must enclose signed statements from every individual you intend to rely upon attesting, under oath, to the compliance. The Board's consultant and administrative staff, in their discretion, may require such signed statements to be notarized. No documentation or testimony other than that submitted will be considered in making an initial determination on, or a final order in response to, this petition.

Respectfully submitted this the \_\_ day of \_\_\_\_\_, 20\_\_\_\_.

\_\_\_\_\_  
Petitioner's Signature

- (4) Order Modifications - This procedure is not intended to allow anyone under a previously issued disciplinary order, including an unlicensed practice civil penalty order, to modify any findings of fact, conclusions of law, or the reasons for the decision contained in the order. It is also not intended to allow a petition for a lesser disciplinary action, or civil penalty other than the one(s) previously ordered. All such provisions of Board orders were subject to reconsideration and appeal under the provisions of the Uniform Administrative Procedures Act (T.C.A. §§ 4-5-301, et seq.). This procedure is not available as a substitute for reconsideration and/or appeal and is only available after all reconsideration and appeal rights have been either exhausted or not timely pursued. It is also not available for those who have accepted and been issued a reprimand.

(Rule 1730-3-.15, continued)

- (a) The Board will entertain petitions for modification of the disciplinary portion of previously issued orders upon strict compliance with the procedures set forth in subparagraph (b) only when the petitioner can prove that compliance with any one or more of the conditions or terms of the discipline previously ordered is impossible. For purposes of this rule the term “impossible” does not mean that compliance is inconvenient or impractical for personal, financial, scheduling or other reasons.
- (b) Procedures
  - 1. The petitioner shall submit a written and signed Petition for Order Modification on the form contained in subparagraph (c) to the Board’s Administrative Office that shall contain all of the following:
    - (i) A copy of the previously issued order; and
    - (ii) A statement of why the petitioner believes it is impossible to comply with the order as issued; and
    - (iii) A copy of all documents that proves that compliance is impossible. If proof of impossibility of compliance requires testimony of an individual(s), including that of the petitioner, the petitioner must submit signed and notarized statements from every individual the petitioner intends to rely upon attesting, under oath, to the reasons why compliance is impossible. No documentation or testimony other than that submitted will be considered in making an initial determination on, or a final order in response to, the petition.
  - 2. The Board authorizes its consultant and administrative staff to make an initial determination on the petition and take one of the following actions:
    - (i) Certify impossibility of compliance and forward the petition to the Office of General Counsel for presentation to the Board as an uncontested matter; or
    - (ii) Deny the petition, after consultation with legal staff, if impossibility of compliance with the provisions of the previous order is not proven and notify the petitioner of what proof of impossibility of compliance was either not sufficient or not submitted.
  - 3. If the petition is presented to the Board the petitioner may not submit any additional documentation or testimony other than that contained in the petition as originally submitted.
  - 4. If the petition is granted a new order shall be issued reflecting the modifications authorized by the Board that it deemed appropriate and necessary in relation to the violations found in the previous order.
  - 5. If the petition is denied either initially by staff or after presentation to the Board and the petitioner believes impossibility of compliance with the order has been sufficiently proven the petitioner may, as authorized by law, file a petition for a declaratory order pursuant to the provisions of T.C.A. § 4-5-223 and rule 1200-10-1-.11.

(Rule 1730-3-.15, continued)

## (c) Form Petition

Petition for Order Modification  
Board of Veterinary Medical Examiners

Petitioner's Name: \_\_\_\_\_  
 Petitioner's Mailing Address: \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_  
 Petitioner's E-Mail Address: \_\_\_\_\_  
 Telephone Number: \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_  
 Attorney for Petitioner: \_\_\_\_\_  
 Attorney's Mailing Address: \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_  
 Attorney's E-Mail Address: \_\_\_\_\_  
 Telephone Number: \_\_\_\_\_  
 \_\_\_\_\_

The petitioner respectfully represents that for the following reasons, as substantiated by the attached documentation, the identified provisions of the attached disciplinary order are impossible for me to comply with:

\_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

Note – You must enclose all documents necessary to prove your request including a copy of the original order. If any of the proof you are relying upon to show impossibility is the testimony of any individual, including yourself, you must enclose signed and notarized statements from every individual you intend to rely upon attesting, under oath, to the reasons why compliance is impossible. No documentation or testimony other than that submitted will be considered in making an initial determination on, or a final order in response to, this petition.

Respectfully submitted this the \_\_ day of \_\_\_\_\_, 20\_\_\_\_.

\_\_\_\_\_  
 Petitioner's Signature

## (5) Civil Penalties

(a) Purpose - The purpose of this rule is to set out a schedule designating the minimum and maximum civil penalties which may be assessed pursuant to T.C.A. §63-1-134.

## (b) Schedule of Civil Penalties

1. A Type A civil penalty may be imposed whenever the Board finds the person who is required to be licensed or certified by the Board is guilty of a willful and knowing violation of the Practice Act, or regulations pursuant thereto, to such an extent that there

(Rule 1730-3-.15, continued)

is, or is likely to be an imminent substantial threat to the health, safety and welfare of an individual client or the public. For purposes of this section, a type A penalty shall include, but not be limited to, a person who willfully and knowingly is or was practicing as a veterinary medical technician without a license from the Board.

2. A Type B civil penalty may be imposed whenever the Board finds the person required to be licensed by the Board is guilty of a violation of the Veterinary Practice Act or regulations pursuant thereto in such manner as to impact directly on the care of clients or the public.
3. A Type C civil penalty may be imposed whenever the Board finds the person required to be licensed, permitted, or authorized by the Board is guilty of a violation of the Veterinary Practice Act or regulations promulgated thereto, which are neither directly detrimental to clients or the public, nor directly impact their care, but have only an indirect relationship to client care or the public.

(c) Amount of Civil Penalties

1. Type A civil penalties shall be assessed in the amount of not less than \$500 nor more than \$1,000.
2. Type B civil penalties may, be assessed in the amount of not less than \$100 and not more than \$500.
3. Type C civil penalties may be assessed in the amount of not less than \$50 and not more than \$100.

(d) Procedures for Assessing Civil Penalties

1. The Division of Health Related Boards may initiate a civil penalty assessment by filing a Memorandum of Assessment of Civil Penalty. The Division shall state in the memorandum the facts and law upon which it relies in alleging a violation. the proposed amount of the civil penalty and the basis for such penalty. The Division may incorporate the Memorandum of Assessment of Civil Penalty with a Notice of Charges which may be issued attendant thereto.
2. Civil Penalties may also be initiated and assessed by the Board during consideration of any Notice of Charges. In addition, the Board may, upon good cause shown, assess type and amount of civil penalty which was not recommended by the Division.
3. In assessing the civil penalties pursuant to these rules the Board may consider the following factors:
  - (i) Whether the amount imposed will be a substantial economic deterrent to the violator;
  - (ii) The circumstances leading to the violation;
  - (iii) The severity of the violation and the risk of harm to the public;
  - (iv) The economic benefits gained by the violator as a result of non-compliance; and,
  - (v) The interest of the public.

(Rule 1730-3-.15, continued)

4. All proceedings for the assessment of civil penalties shall be governed by the contested case provisions of T.C.A. Title 4, Chapter 5.
- (6) Informal Settlements - The Board consultant is authorized to enter into informal settlement agreements pursuant to Rule 1730-3-.19 under which a complaint against an individual may be closed without any disciplinary action. Any matter proposed for informal settlement must be subsequently ratified by the full board before it will become effective. Such agreement may include any terms deemed appropriate by the Board consultant including, but not limited to:
  - (a) Mandatory education program or course attendance;
  - (b) Submission of reports, records or other appropriate documentation;
  - (c) Conditioning of the individual's activities in any manner which affects his practice in Tennessee.
- (7) It is an offense to knowingly operate a veterinary facility in this state without a premises permit. A violation of this section is a Class B misdemeanor and each violation constitutes a separate offense.
- (8) It is unlawful for any licensed veterinarian to practice veterinary medicine as an employee of any person other than a veterinarian duly licensed in this state or a veterinary facility operated at all times under the direct medical supervision of a veterinarian duly licensed in this state.
  - (a) No person, corporation or other similar organization, public or private, for-profit or not-for-profit, other than a veterinarian duly licensed in this state, shall own or operate a veterinary facility within this state, except as follows:
    1. Any person, corporation or other similar organization, public or private, for-profit or not-for-profit, shall apply for and receive a premises permit before the commencement of operations at the veterinary facility; and
    2. The owner of the veterinary facility shall not restrict or interfere with medically appropriate veterinary diagnostic or treatment decisions by the licensed veterinarians employed at the veterinary facility.
  - (b) The following are exempt from this section:
    1. A veterinarian employed by a person, corporation or other similar organization, public or private, for-profit or not-for-profit, to treat such employer's animal(s);
    2. A veterinarian employed by an official agency of the federal or state government, or any subdivision thereof; and
    3. A veterinarian employed by any licensed research facility.
- (9) Assessment of costs in disciplinary proceedings shall be as set forth in T.C.A. §§ 63-1-144 and 63-12-143.
- (10) Screening Panels - Any screening panel(s) established pursuant to T.C.A. § 63-1-138:
  - (a) Shall have concurrent authority with the Board and any individual appointed by the Board pursuant to Rule 1730-3-.19, to do the acts enumerated in Rule 1730-3-.19 (1) (b) 1. and 2. subject to the conditions contained therein.

(Rule 1730-3-.15, continued)

1. A Screening panel(s) comprised of two (2) or more persons shall elect a chairperson prior to convening to conduct business.
  2. A screening panel(s) comprised of two (2) or more persons is required to conduct the informal hearings authorized in subparagraph (b) immediately below.
- (b) After completion of an investigation by the Division, may upon request of either the state, or the licensee who is the subject of an investigation with the agreement of the state, or upon request of both the licensee and the state, conduct a non-binding informal hearing and make recommendations as a result thereof as to what, if any, terms of settlement of any potential disciplinary action are appropriate.
1. Neither the Rules of Civil Procedure, the Rules of Mediation and Arbitration, the Rules of Evidence, or Contested Case Procedural Rules under the Administrative Procedures Act shall apply in informal hearings before the screening panel(s). However, Rule 31 of the Rules of the Tennessee Supreme Court may serve as general guidance as to the principles of mediation and alternative dispute resolution.
    - (i) Evidence may be presented or received in any manner and in whatever order agreed upon by the parties.
    - (ii) Prior to convening the panel and in the absence of an agreement of the parties, the screening panel chairperson shall determine the manner and order of presentation of evidence.
  2. Neither the state nor a licensee who is the subject of an investigation being considered by a screening panel can be compelled to participate in any informal hearing.
  3. Proposed settlements reached as a result of any informal hearing will not become binding and final unless they are:
    - (i) Approved by a majority of the members of the screening panel which issued them; and
    - (ii) Agreed to by both the Department of Health, by and through its attorney(s), and the licensee; and
    - (iii) Subsequently presented to and ratified by the Board.

**Authority:** T.C.A. §§4-5-202, 4-5-204, 4-5-217, 4-5-223, 63-1-122, 63-1-138, 63-1-144, 63-12-105, 63-12-106, 63-12-121, 63-12-122, 63-12-124, 63-12-125, 63-12-128, 63-12-129, 63-12-135, and 63-12-143. **Administrative History:** Original rule filed April 28, 1995; effective July 12, 1995. Amendment filed June 15, 1999; effective August 29, 1999. Amendment filed August 24, 2000; effective November 7, 2000. Amendment filed June 25, 2003; effective September 8, 2003. Amendment filed September 23, 2004; effective December 7, 2004.

#### **1730-3-.16 LICENSE.**

- (1) Issuance - Upon the Board determining that an applicant for licensure has successfully met all the requirements as set forth in T.C.A. §§63-12-101, et seq. and these rules the Board shall issue the applicant a license to practice as a veterinary medical technician.
- (2) Display of License - Every person licensed by the Board in this state shall display his license and renewal certificate in a conspicuous place in his principal office and, whenever required, exhibit such license to the Board or its authorized representative.



(Rule 1730-3-.16, continued)

- (3) Replacement License or Renewal Certificate - A license holder whose “artistically designed” license has been lost or destroyed may be issued a replacement document upon receipt of a written request in the Board’s administrative office.
- (4) Verification - Requests for licensure verification must be made in writing to the Board’s administrative office.

**Authority:** T.C.A. §§4-5-202, 4-5-204, 63-1-106, and 63-12-123. **Administrative History:** Original rule filed September 13, 1987; effective November 14, 1987. Repeal and new rule filed April 28, 1995; effective July 12, 1995.

#### **1730-3-.17 CHANGE OF NAME AND/OR ADDRESS.**

- (1) Change of Name - An individual registered with the Board shall notify the Board in writing within 30 days of a name change. The notice shall provide both the old and new names and must reference the individual’s profession, board, and license number.
- (2) Change of Address - Each person holding a license who has had a change of address shall file in writing with the Board his current mailing address, giving both old and new addresses. Such requests should be received in the Board’s administrative office no later than 30 days after such change has occurred and must reference the individual’s name, profession, social security number and license number.

**Authority:** T.C.A. §§4-5-202, 4-5-204, 63-1-106, 63-1-108, and 63-12-106. **Administrative History:** Original rule filed September 13, 1987; effective November 14, 1987. Repeal and new rule filed April 28, 1995; effective July 12, 1995.

#### **1730-3-.18 RESERVED.**

#### **1730-3-.19 BOARD CONSULTANTS, RECORDS AND COMPLAINTS, AND DECLARATORY ORDERS.**

- (1) Board Consultants are appointed by the Board and vested with the authority to do the following acts:
  - (a) Review and make determinations on licensure, registration, exemption, renewal, and reactivation of licensure applications subject to the rules governing those respective applications.
  - (b) Serve as Consultant to the Division to decide the following:
    - 1. Whether and what type disciplinary actions should be instituted upon complaints received or investigations conducted by the Division.
    - 2. Whether and under what terms a complaint, case or disciplinary action might be informally settled. Any matter proposed for informal settlement must be subsequently ratified by the full Board before it will become effective.
    - 3. Make determinations, subject to subsequent ratification by the full Board, on petitions for stay of Board Orders pursuant to Rule 1360-4-1-.18.
    - 4. Undertake any other matters authorized by a majority vote of the Board.

(Rule 1730-3-.19, continued)

- (2) All requests, applications, notices, complaints, other communications and correspondence shall be directed to the Board's administrative office. Any requests or inquiries requiring a Board decision or official Board action except documents relating to disciplinary actions, declaratory orders or hearing requests must be received fourteen (14) days prior to a scheduled Board meeting and will be retained in the administrative office and presented to the Board at the Board meeting. Such documents not timely received shall be set over to the next Board meeting.
- (3) Records and Complaints
  - (a) Minutes of the board meetings and all records, documents, applications, and correspondence will be maintained in the Board's administrative office.
  - (b) All records of the Board, except those made confidential by law, are open for inspection and examination, under the supervision of an employee of the Division at the Board's administrative office.
  - (c) Copies of public records shall be provided to any person upon payment of the cost of copying.
  - (d) Complaints made against a licensee become public information only upon the filing of a notice of charges by the Department of Health.
- (4) Requests for Verification of Licensure to practice in another state must be made in writing to the Board's administrative office.
- (5) Declaratory Orders - The Board adopts, as if fully set out herein, rule 1200-10-1-.11, of the Division of Health Related Boards and as it may from time to time be amended, as its rule governing the declaratory order process. All declaratory order petitions involving statutes, rules or orders within the jurisdiction of the Board shall be addressed by the Board pursuant to that rule and not by the Division. Declaratory Order Petition forms can be obtained from the Board's administrative office.

**Authority:** T.C.A. §§4-5-202, 4-5-204, 4-5-223, 4-5-224, 4-5-316, 63-1-106, 63-1-118, 63-12-104, 63-12-105, 63-12-106, 63-12-107, 63-12-110, 63-12-129, and 63-12-135. **Administrative History:** Original rule filed April 28, 1995; effective July 12, 1995. Amendment filed October 27, 1999; effective January 10, 2000. Amendment filed August 24, 2000; effective November 7, 2000.